

MONTANA LEGISLATIVE HISTORY

Chapter 322 19 71

Bill H 166 S _____ Original bill & history ____C

H. Committee on Education

Hearing Date(s) Jan 16 ____C

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Date Out _____C

S. Committee on Education

Hearing Date(s) Feb 15 ✓C

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Did this bill originate in an interim committee? ____Yes ____No

Committee _____

Report _____

January 16, 1971

The meeting of the Education Committee was called to order by Chairman Bill Warfield at 9:30 a. m. All but two members were present.

Witnesses were Mr. Dee Cooper of Montana Education Association, Rep. Bob Brown, Dist.#30, and Dr. Warren Bowman representing WICHE.

Rep. Knudsen introduced HB 166. Proponent was Mr. Dee Cooper.

HB 175 was introduced by Rep. Campbell after which a discussion followed.

HB's 218, 220 and 221 were introduced by Rep. Bob Brown, Dist. #30, and gave a summary of each bill.

Dr. Warren Bowman spoke in support of a proposal to authorize the Western Interstate Commission for Higher Education to contract with medical schools outside the thirteen (13) western states, non WICHE, so that they will admit WICHE students and charge them in state tuition, in return for a specified amount paid to the school by Montana. This amount is currently \$3,000. student year to WICHE medical schools.

Witnesses were excused at 10:10 a.m.

Motions of DO PASS was made on HB's 166, 171, 218 and 220. The motion was carried.

HB's 175 and 221 are to be considered.

The meeting was adjourned at 10:30 a.m.

W. J. [Signature]

A meeting of the Education Committee was called to order by Chairman Cotton in room 402 on February 19 at 10:05 a.m. The secretary called the roll, and all members were present.

House Bill #166 - Providing for timely hearing upon appeal.

Chairman Cotton first called upon Representative D. L. "Ike" Knudsen, District 5B, who introduced D. D. Cooper of the Montana Education Association to speak on this proposed act.

Mr. Cooper explained that this is a corrective measure in that it sets a definite time for a hearing to be held on an appeal after dismissal of a teacher.

Chadwick H. Smith, Helena attorney representing the Montana School Boards Association, answered in opposition to the bill. While they are not opposing the bill in its intent, it is felt that the ten-day provision is too short. There are a number of reasons why it might be difficult to get people together for hearing during certain periods, such as vacations, etc. He suggested that the time limit be changed to thirty days, in order to allow sufficient time for appeal processes.

Mr. Cooper replied that he would oppose such a suggestion on the grounds of practicality in that it is usually necessary to replace a teacher who has been dismissed and it is not feasible to wait thirty days to know whether or not the dismissed teacher would be returned to his job. The situation needs to be determined as quickly as possible. Longer delays would be more difficult and upsetting to the classroom.

House Bill #218 - Providing for annexation of elementary districts by a community college district.

Robert Brown, Representative of District 30, spoke on this proposed legislation as one of the authors. He explained this would give the people a voice in whether or not a district be annexed to a community college district.

House Bill #220 - Providing for notice of special meetings of the board of trustees.

Representative Brown also described this bill as requiring that trustees must have 48 hours notice of any special meeting of a community college which may be called. He pointed out that this presently applies to elementary school trustees.

Senator Mathers made the motion that House Bill 220 BE CONCURRED IN, which was seconded by Senator Klindt and was carried.

Senator Thiessen moved that House Bill 221 BE CONCURRED IN. It was seconded by Senator Mathers and the motion carried.

Senator Brownfield made a motion that House Bill 175 BE CONCURRED IN. The motion was seconded by Senator Mathers and was carried.

Senator Mathers will carry House Bills 218, 220, and 221 on the floor, while Senator Gilfeather will carry House Bill 551.

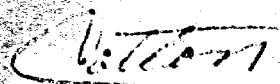
Senator Mathers moved that House Bill 551 BE CONCURRED IN, with Senator Rugg seconding, and the motion carried.

Senator Mathers made the motion that House Bill 166 be amended as follows: Amend Section 1, page 1, line 19 of the original bill following the word "may" by inserting the following words and figures "in writing within ten (10) days". Senator Brownfield seconded, and the motion was carried.

Senator Mathers then moved that House Bill 166 BE CONCURRED IN AS AMENDED. Senator Thiessen seconded his motion, and it was carried.

Senator Klindt moved that House Bill 171 BE CONCURRED IN, with Senator Brownfield seconding, and the motion carried.

The meeting was adjourned at 11:25 a.m.


SENATOR COTTON, Chairman

- ☐ DO NOT PASS
☒ BE CONCURRED IN AS AMENDED
☐ BE NOT CONCURRED IN
☐ BE ADOPTED
☐ BE NOT ADOPTED

February 19 71

MR. PRESIDENT,

We, your committee on..... EDUCATION

having had under consideration..... HOUSE..... Bill No. 166

75-6107

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
75-6107, R.C.N., 1947, PROVIDING FOR TIMELY HEARING UPON
APPEAL."

Respectfully report as follows: That..... HOUSE..... Bill No. 166

Be amended as follows:

Amend section 1, page 1, line 19 of the original bill, being
section 1, page 1, line 19 of the committee approved printed
bill, following the word "may" by inserting the following words
and figures "in writing within ten (10) days"

AND AS AMENDED BE CONCURRED IN

Payment of tax—
1.725%. shall accompany such statement with the payment to the state board of equalization of a license tax in the amount equal to one and seven hundred twenty-five thousandths percent (1.725%).”

Effective
April 1, 1971. Section 3. This act is effective on April 1, 1971.
Approved March 15, 1971.

CHAPTER NO. 327

An Act to Amend Section 75-6107, R.C.M. 1947, Providing for Timely Hearing Upon Appeal.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause. Section 1. Section 75-6107, R.C.M. 1947, is amended to read as follows:

Trustees may
dismiss teacher
for cause.

“75-6107. **Dismissal of teacher under contract.** The trustees of any district may dismiss a teacher before the expiration of his employment contract for immorality, unfitness, incompetence, or violation of the adopted policies of such trustees. Any teacher who has been dismissed may *in writing within ten (10) days* appeal such dismissal to the county superintendent; *following such appeal a hearing shall be held within ten (10) days.* If the county superintendent, after a hearing, determines that the dismissal by the trustees was made without good cause, he shall order the trustees to reinstate such teacher and to compensate such teacher at his contract amount for the time lost during the pending of the appeal.”

Appeal within
10 days.

Hearing.

Determination by
county
superintendent.

Approved March 15, 1971.

CHAPTER NO. 328

An Act to Prescribe the Period of Limitations in Which Actions for Professional Negligence can be Commenced.

Be it enacted by the Legislative Assembly of the State of Montana:

Limitations on
actions for
malpractice—three
years.

Section 1. Action for injury or death against a physician or surgeon, dentist, registered nurse, dispensing

optician, optometrist, licensed physical therapist, podiatrist, psychologist, osteopath, chiropractor, clinical laboratory bioanalyst, clinical laboratory technologist, pharmacist, veterinarian, or a licensed hospital as the employer of any such person, based upon such person's alleged professional negligence, or for rendering professional services without consent, or for error or omission in such person's practice, shall be commenced within three (3) years after the date of injury or three (3) years after the plaintiff discovers, or through the use of reasonable diligence should have discovered, the injury whichever occurs last, but in no case may such action be commenced after five (5) years from the date of injury. However, this time limitation shall be tolled for any period during which such person has failed to disclose any act, error, or omission upon which such action is based and which is known to him, or through the use of reasonable diligence subsequent to said act, error or omission would have been known to him.

Maximum—five
years.

Tolled during
failure to disclose.

Approved March 15, 1971.

CHAPTER NO. 329

An Act to Provide for Removal of Elective Officers of Cities and Towns Under a Mayor-Council Form of Government.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. (1) The holder of any elective office under a mayor-council form of municipal government may be removed at any time by the electors qualified to vote. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by twenty-five percent (25%) of all qualified electors registered for the last preceding general municipal election, demanding an election for recall of the person sought to be recalled, shall be filed with the city clerk, which petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of such paper shall make oath before an officer com-

Procedure—removal
of elective officer
under mayor—
council government.

Petition—25% of
electors.

Filing with
city clerk.

Signatures.

Oath.